

**BOARD OF APPEALS CASE NO. 5702
CONDITIONS**

Accordingly, it is recommended that the proposed special exception, variance and requested interpretation be granted, subject to the following conditions:

- The Applicant shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee.
- The Applicant shall obtain all necessary permits and approvals for the construction of the shop building, the removal of the existing dwelling and for the construction of the new dwelling.
- The Applicant shall meet all requirements of the Maryland Department of the Environment or the Health Department for the containment of fuel and oil onsite.
- The Applicant shall maintain the existing wooded areas that Buffer the use from the adjacent properties and must comply with the Buffer requirements of the Code for a type "C" Buffer.
- The proposed landscaping shown on Attachment 5 must be installed prior to issuance of the use and occupancy permit for the proposed garage.
- The 25 foot panhandle area must be combined with the parcel prior to approval of the permit for the proposed garage.
- The Applicant must commence construction of the new dwelling within one year of the issuance of the use and occupancy permit for the business.
- The Applicant must reside on the property within eighteen (18) months of the issuance of the use and occupancy permit for the business.
- The business shall be limited to two (2) employees in addition to Thomas Burden.
- The approval is for the Applicant only and shall become void if the property or business is sold or transferred.

The following conditions, as agreed to by the Applicant and neighbors, Meadows at Bulle Rock Home Owners Association, Inc. ("MBR"), are also added to this recommended opinion as follows:

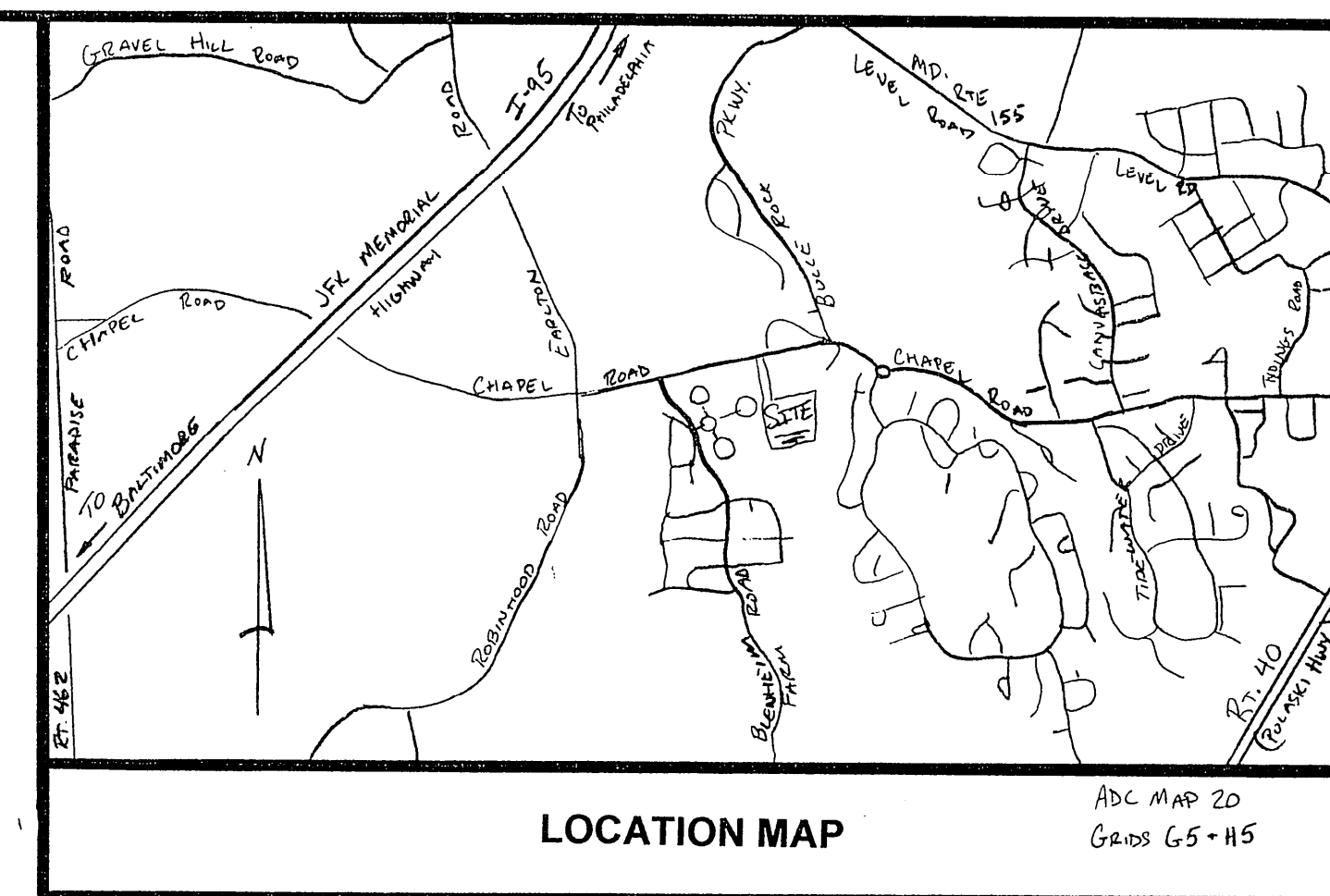
- The motor vehicle repair shop operation will comply with the noise regulations adopted by the State of Maryland contained in the Code of Maryland Regulations, Title 26, Subtitle 2, Chapter 3 (the "Noise Standards") which states that the maximum allowable noise level is 65dBA at the common property line between the Burden property and the Bulle Rock development.
- If at any time the noise levels from the operation of the motor vehicle repair shop, obtained by a qualified sound expert, constitute a violation of the Noise Standards, MBR will promptly notify Applicant in writing as to the time and date of the violation and a copy of the noise measurement results so that Applicant can determine which equipment caused the violation. Applicant will immediately cease to use any machinery or equipment that causes the violation of the Noise Standards until he has taken action to mitigate or reduce the noise in order to comply with the Noise Standards at the property line.
- No mechanical/electrical equipment supporting the operation of the shop, except for the heat/AC unit, will be located anywhere outside of the motor vehicle repair shop building. The heat/AC unit will be landscaped to prevent visibility from MBR.
- The compressor must be enclosed inside the motor vehicle repair shop building or located in a soundproof enclosure under the shed portion of the shop.
- No additional separate structures supporting or accessory to the motor vehicle repair shop shall be built except that attachments to the garage structure shown on the approved site plan will be permitted.
- No chemicals, supplies, spare parts, tools, or other equipment used in the operation of the motor vehicle repair shop may be stored outside the motor vehicle repair shop building.
- No driving of race cars on the property will be permitted at any time.
- No commercial external lighting will be used to illuminate the driveway or external shop area.
- The motor vehicle repair shop will not be open to the public and no signs or other devices will be located outdoors on the property to promote the business.
- The motor vehicle repair shop shall not create any noxious fumes or smoke at any time. It is understood and agreed that Applicant will use a tractor or other equipment for his personal use on the property from time to time.
- The outside storage of any motor vehicle repair shop business related vehicle or trailer will not be visible from MBR property.
- Hours of operation of the motor vehicle repair shop will be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday. No more than two Saturdays per year will the motor vehicle repair shop be allowed to operate. This condition, however, does not preclude or restrict Applicant from doing work that is not discernable above ambient to persons living on MBR property or personal use, including the construction of a new house on the property, which may be done at any time.
- There shall be no signs advertising the business located outside on the property.
- No overnight storage of any motor vehicle repair shop business vehicle on a trailer.
- All motor vehicle repair shop trailer transport equipment must be stored/parked in areas out of visual sight of persons living on MBR property.
- The size of the shop is limited to 40 feet by 60 feet (2400 square feet) and the height of the shop shall be no greater than the height shown on the shop building elevation, a copy is attached as Exhibit B to the agreement with MBR, with no further expansion allowed at any time. There will not be any doors facing MBR.
- The Burdens' private dwelling will be completed within two years of the issuance of the use add occupancy permit for the motor vehicle repair shop.
- Applicant will plant Green Giant Arborvitae, four feet high at time of planting, seven to ten feet on centers along the common boundary line between the Burden property and MBR property and Hollies, two to three feet high at time of planting, ten to fifteen feet beyond the Arborvitae. Plantings shall be staggered and appropriately spaced based on ground conditions to create a dense buffer that will mature quickly. These plantings will be done in the 125 foot wide area delineated in the landscape sketch attached to the agreement with MBR as Exhibit A.
- The special exception approval is for the Applicant only and shall become void if the property is sold or transferred.

Further, the following condition shall apply to this approval:

- The overhang area outside of the building in which the trailer will be kept must be constructed of a stabilized surface.



SOIL TYPE
LFC LEGORE
LFE " "
AV ALLUVIAL
MSA MONTALTO



| GENERAL NOTES | |
|---|--|
| SITE ADDRESS | 1804 CHAPEL ROAD HAVRE DE GRACE, MD 21078 |
| OWNER SON | HENRY AND SARA BURDEN C/O THOMAS BURDEN 1800 CHAPEL ROAD HAVRE DE GRACE, MD 21078 |
| TAX MAP PARCEL | 44 583 |
| LOT SIZE | 5.20 ACRES |
| DEED REFERENCE | 2147/514 |
| ZONING | AG, AGRICULTURE |
| ZONING APPEALS CASE NO. 5702 DATED 3/12/2010 FOR SPECIAL EXCEPTION AND VARIANCE TO ALLOW A MOTOR VEHICLE REPAIR SHOP. | |
| PROPOSED USE | MOTOR VEHICLE REPAIR SHOP IN ACCORDANCE WITH CONDITIONS SET BY THE ZONING APPEAL CASE |

RESIDENT WILL OPERATE A MOTOR VEHICLE REPAIR SHOP.

THIS SITE IS NOT LOCATED WITHIN THE LIMITS OF THE 100 YEAR FLOODPLAIN PER FEMA MAP NO. 24025C0192 D, EFFECTIVE JANUARY 7, 2000.

THIS SITE IS NOT LOCATED WITHIN THE HARFORD COUNTY CHESAPEAKE BAY CRITICAL AREA OVERLAY DISTRICT.

SWM WILL BE PROVIDED AS REQUIRED.

PERC TESTING CONDUCTED ON JANUARY 8, 2007.

A DECLARATION OF INTENT FORM HAS BEEN SUBMITTED ALONG WITH THE SITE PLAN. THERE WILL BE NO DISTURBANCE TO EXISTING FOREST. NO FOREST STAND DELINEATION OR CONSERVATION PLAN IS REQUIRED.

THERE ARE NO KNOWN AREAS CONTAINING SIGNIFICANT PLANT OR WILDLIFE HABITAT LOCATED WITHIN THE PROJECT LIMITS.

THE EXISTING 18 FT. WIDE RIGHT-OF-WAY (R/W) WILL BE INCREASED TO A 25 FT. R/W.

| | |
|---------------------|--------------------------|
| BUILDING COVER | 1.4 PERCENT |
| IMPERVIOUS COVER | 8.0 PERCENT |
| NUMBER OF EMPLOYEES | 1 (OWNER, TOM BURDEN) |
| MAX. ALLOWED | 2 PLUS OWNER, TOM BURDEN |

FOREST STAND DELINEATION (FSD) AND FOREST CONSERVATION PLAN (FCP) HAVE BEEN SUBMITTED FOR COUNTY REVIEW. A LANDSCAPE PLAN SHALL BE PROVIDED.

SITE PLAN

GARAGE
1804 CHAPEL ROAD
HAVRE DE GRACE, MD

6TH ELECTION DISTRICT
HARFORD COUNTY, MARYLAND

WELSH ENGINEERING
2 PARADISE DRIVE
HAVRE DE GRACE, MD 21078
410-939-1304

SCALE: 1" = 50'

DATE: 5-4-10

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 12624, Expiration Date: 9-15-2011.